

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1161

Introduced by Senator Alarcon

January 10, 2006

An act to amend ~~Section~~ and repeal Sections 217, 217.7, and 217.9 of, and to repeal and add, add, and repeal Section 217.8 of, the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Alarcon. State highways: design-sequencing contracts.

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

This bill would instead generally authorize the department, *until January 1, 2012*, to award contracts for projects using the design-sequencing contract method, if certain requirements are met. The bill would require the department to continue the use of a peer review committee to assist the department in preparing an annual report to the Legislature describing and evaluating the outcome of the design-sequencing contracts until December 31, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) “Design-sequencing” or “fast track design” is a valuable
4 project delivery tool that can reduce project completion time
5 according to the Department of Transportation.

6 (b) ~~The—California~~ Business, Transportation and—housing
7 *Housing* Agency has found that the effectiveness of
8 design-sequencing has been demonstrated and that a statutory
9 cap and other restrictions on design-sequencing projects are
10 unnecessary.

11 (c) In order to provide the Department of Transportation with
12 unconditional authority to use the design-sequencing method of
13 contracting and fast track the completion of projects throughout
14 the state, this act eliminates statutory constraints established on
15 the number, *and* geographic location, ~~and duration of authority~~
16 for design-sequencing projects in California.

17 SEC. 2. Section 217 of the Streets and Highways Code is
18 amended to read:

19 217. The following definitions apply for the purposes of this
20 article:

21 (a) “Design” is a plan completed to a level of 30 percent.

22 (b) “Design-sequencing” is a method of contracting that
23 enables the sequencing of design activities to permit each
24 construction phase to commence when design for that phase is
25 complete, instead of requiring design for the entire project to be
26 completed before commencing construction.

27 (c) A “design-sequencing contract” is a contract between the
28 department and a contractor that requires the department to
29 prepare a design and permits construction of a project to
30 commence upon completion of design for a construction phase.

31 *(d) This section shall remain in effect only until January 1,*
32 *2012, and as of that date is repealed, unless a later enacted*
33 *statute, that is enacted before January 1, 2012, deletes or extends*
34 *that date.*

35 SEC. 3. Section 217.7 of the Streets and Highways Code is
36 amended to read:

37 217.7. (a) Notwithstanding Section 10120 of the Public
38 Contract Code and Chapter 10 (commencing with Section 4525)

1 of Division 5 of Title 1 of the Government Code, the department
2 may award contracts pursuant to the competitive bidding
3 provisions of the State Contract Act (Part 2 (commencing with
4 Section 10100) of Division 2 of the Public Contract Code) using
5 the design-sequencing contracting method defined in Section
6 217. For the purpose of this article, these projects shall be
7 deemed public works.

8 *(b)This section shall remain in effect only until January 1,*
9 *2012, and as of that date is repealed, unless a later enacted*
10 *statute, that is enacted before January 1, 2012, deletes or extends*
11 *that date.*

12 SEC. 4. Section 217.8 of the Streets and Highways Code is
13 repealed.

14 SEC. 5. Section 217.8 is added to the Streets and Highways
15 Code, to read:

16 217.8. (a) The department shall continue the use of a peer
17 review committee for design sequencing established by Chapter
18 378 of the Statutes of 1999. The peer review committee shall
19 assist the department in preparing a report for submittal to the
20 Legislature that describes and evaluates the outcome of the
21 design-sequencing contracts, stating the positive and negative
22 aspects of using design sequencing as a contracting method ,
23 *including, but not limited to, contracting methods, procedures,*
24 *costs, and delivery schedules.* The peer review committee shall
25 be disbanded on December 31, 2010. The first report shall be
26 submitted on December 31, 2007, and annually thereafter until
27 December 31, 2010.

28 *(b)This section shall remain in effect only until January 1,*
29 *2012, and as of that date is repealed, unless a later enacted*
30 *statute, that is enacted before January 1, 2012, deletes or extends*
31 *that date.*

32 SEC. 6. Section 217.9 of the Streets and Highways Code is
33 amended to read:

34 217.9. Design-sequencing contracts, as described in Section
35 217.7, shall be awarded in accordance with all of the following:

36 (a) The department shall advertise design-sequencing projects
37 by special public notice to contractors.

38 (b) Contractors shall be required to provide prequalification
39 information establishing appropriate licensure and successful
40 past experience with the proposed work, including their skilled

1 labor force availability and safety record, as defined in clauses
2 (v) and (vi) of subparagraph (B) of paragraph (4) of subdivision
3 (d) of Section 20133 of the Public Contract Code.

4 *(c)This section shall remain in effect only until January 1,*
5 *2012, and as of that date is repealed, unless a later enacted*
6 *statute, that is enacted before January 1,2012, deletes or extends*
7 *that date.*

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